

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

**PROCEDURES 406, LICENSING STANDARDS FOR DAY CARE HOMES**

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These procedures are used by licensing representatives/licensing workers to implement Rules 406, Licensing Standards For Day Care Homes, to determine issuance/non-issuance of day care home licenses and to monitor continuing compliance with Rules 406.

Documentation of compliance with each rule (standard) shall be recorded on the CFS 515, Day Care Home License Compliance Record (hereafter referred to as the CFS 515.)

The CFS 515, shall be kept in the day care home licensing file. Except as noted in Section 406.4(a) below, licensed child welfare agencies and day care agencies shall submit only the original of the first page of the CFS 515 to the Department for review purposes.

Neither the Procedures nor the Day Care Home License Compliance Record are a substitute for a home study/social study of the day care family. Such a study is not a part of the licensing record and should not be appended to it. Likewise a home study/social study of the day care home is not a substitute for the licensing study which shall be recorded on form CFS 515.

## **== 406.1 Purpose**

## **406.2 Definitions**

"Applicant(s)" means a person or persons who have applied for a license from the Department of Children and Family Services - whether the application was submitted directly to the Department or through another supervisory agency.

## **== 406.3 Effective Date of Standards**

## **406.4 Application for License**

### **a) Initial Application**

An initial application consists of:

- Form CFS 597A, Application for Family Home License;
- Form CFS 597A-1, Authorization for Background Check, for each applicant;
- Form CFS 506, Family Home Information, (or similar form used by licensed child welfare and day care agency)

The CFS 597A, CFS 597A-1 and the CFS 506 must be completed, signed by the applicant(s) and submitted to the supervising agency.

All day care home applications and related documents accepted by a supervising agency (licensed child welfare or day care agency or the Department) shall be submitted to the DCFS regional office through which the agency is licensed, regardless of the geographic location of the home, within ten (10) working days of receipt from the day care home applicant(s).

Form CFS 506, Family Home Information, shall be completed and signed by the applicant(s) and shall be kept in the licensing file maintained by the supervising agency. Licensed child welfare and day care agencies may use their own family home information form provided the form includes all information included on the CFS 506.

In addition, each adult member of the household shall complete a CFS 597-A -- even if not usually at home during the hours the day care home operates. It is not required that these be submitted with the application; however, clearance of the household member must be obtained prior to recommending issuance of a permit or license.

A CFS 597A-1 is required for a substitute only if the substitute is utilized on a regular or scheduled basis. (See Section 406.11)

Instructions on how to complete the application and accompanying forms are on the back of each of the forms.

An incomplete or inaccurately filled out CFS 597A is difficult to evaluate. Therefore, it is necessary that each CFS 597A and accompanying forms be checked, when returned, by the licensing representative/licensing worker to ascertain that the application and attachments are filled out completely and accurately, and are properly signed and dated. No corrections and/or changes shall be made by the licensing representatives/licensing workers on incomplete or inaccurately filled out applications. Such applications shall be discussed with the applicant(s) and returned for correction within 5 working days of receipt. Minor clerical changes may be made provided they are initialed by the person(s) making the change(s).

An application shall not be denied solely because one spouse declines to sign the application. If a spouse who declined to sign the application states that she/he does not object to the home being licensed for day care, she/he shall be requested to sign a statement to that effect which also acknowledges that authorized representatives of the supervising agency - which shall be named in the statement - or the Department may be required to enter the day care home during its hours of operation. The statement signed by the non-objecting spouse shall be substantially the same as that attached to these Procedures as Appendix A and shall not be further conditioned as to hours or other factors. The statement shall be dated and witnessed by the licensing representative/licensing worker or other adult willing to witness the statement.

## **What Constitutes a Family Home**

The Child Care Act of 1969 and Rules 406 define "day care homes" as "...family homes which receive more than 3 up to a maximum of 8 children for less than 24 hours per day..." (emphasis added). The commonly understood definition of "family" is "two or more persons related by blood, marriage or adoption." Two such persons may be jointly licensed as a day care home - whether or not they are married to each other - provided they share a common residence and other requirements of the Child Care Act of 1969 and Rules 406 are met.

## **Unrelated Persons**

Unrelated persons sharing a domicile do not constitute a "family home," as defined above, and could not be licensed jointly as a day care home. One party to such a relationship could be licensed singly as a day care home. The other occupant is then regarded as a member of the household for purposes of meeting licensing standards. The other occupant of the home shall be asked to provide a written statement that (s)he has no objection to day care being provided in the home (by the other unrelated person). This statement shall be



signed, dated, and submitted to the licensing representative/licensing worker prior to the beginning of the licensing study.

## **Who Must Sign the Application**

Rules 406 require that the "applicant(s)" complete and sign the CFS 597A which is then submitted to the Department. The signatures of both spouses must appear on the application if both intend to function as caregivers more often than the twice a month authorized for substitutes by Rule 406.11.

### **b) Verify References**

Verify that the names, addresses and telephone numbers of at least three references have been provided on the CFS 506 or form used by a supervising agency in lieu of the CFS 506.

The supervising agency shall contact references in-person, by mail, or by telephone to determine their assessment of the character and suitability of the applicant(s) to provide child care. Written references should be encouraged. Reference information obtained in person or by telephone shall be reduced to writing, dated, and signed by the person accepting the information.

When the references initially provided by the applicant(s) display unfamiliarity with the applicant(s)'s character or suitability to provide child care, the licensing representative/licensing worker may request additional references. References shall be contacted only with the consent of the applicant(s), but refusal to permit the licensing representative/licensing worker to contact a source of potentially relevant information may be taken into consideration in assessing the applicant(s)'s fitness for licensure.

Reference letters and recordings of contacts with references shall be made part of the licensing file.

### **c) Licensing Study**

A licensing study of the day care home shall be made by a qualified licensing representative/licensing worker within 90 days from the date the application was received. The licensing study shall be recorded on the CFS 515, and signed by the

licensing representative/ licensing worker and the licensing administrator/licensing supervisor.

Recommendation of license on each day care home includes submission of the Individual License Summary (ILS) (CFLC 2040-A) and the original of page 1 of the CFS 515. Licensed agencies shall submit Individual License Summaries to the licensing administrator at the regional office through which the agency is licensed, regardless of the geographic location of the home.

Upon receipt, the Individual License Summary and page 1 of the CFS 515 shall be reviewed by the appropriate Department staff for completeness, accuracy and approval.

## **Denial of the Application**

When the supervising agency determines that the day care home cannot reasonably meet licensing standards and is therefore not eligible for a license, the application for license, unless voluntarily withdrawn by the applicant(s), shall be denied by the Department. If the supervising agency is other than the Department of Children and Family Services, recommendation for the denial of the application shall be made in writing to the Department. The recommendation shall be accompanied by a full copy of the Day Care Home License Compliance Record. The applicant(s) shall be notified in writing by the licensing administrator/licensing supervisor that recommendation for denial of the application was made to the Department with the specific reasons for the denial included in the notification.

## **Withdrawal of the Application**

The following procedures regarding the withdrawal of the application are applicable to both the initial and renewal application.

If, at any time, after the CFS 597A is completed and signed, the applicant(s) decide to withdraw the application, they should be permitted to do so. Withdrawal of the application shall be done in writing and shall be confirmed by a letter to the applicant(s) from the licensing representative/licensing worker with a copy to the licensing administrator/licensing supervisor. If the withdrawal is not submitted in writing by the applicant(s), a letter confirming the oral request for withdrawal shall be sent certified mail to document the applicant's receipt of the letter. The applicant's request for withdrawal of application and the licensing representative's/licensing worker's letter of confirmation shall be appended to the CFS 515 and the record placed in the closed licensing file. Licensed child welfare and day care agencies shall assure that the appropriate DCFS licensing administrator receives a copy of the letter of confirmation. The ILS confirming withdrawal of the application shall be submitted to the licensing unit within ten working days of the withdrawal.

## **d) New Application Required**

1) When an application has been withdrawn, discuss with the applicant(s)/licensee(s) that they have the right to reapply at a later date and explain that they have to undergo a licensing study prior to receiving a license.

2) When there is a change in the name of the applicant(s)/licensees, the address of the day care home, the area in the home used for children or a change in the supervising agency under whose auspices the home operates, the applicant(s)/licensee(s) must submit a new application. When a day care home plans to move to a new address, the new application, CFS-597A, must be completed, signed by the applicant(s)/licensee(s) and submitted to the supervising agency at least 10 days prior to the change of address in order for their current license to remain in effect. If the day care home has submitted its application for the new license at least 10 days prior to the change of address, no change is to be made in the status of the previous license until a decision is made on the new application. The licensing representative/licensing worker shall visit the home at its new address within 10 working days following notice of the day care home's move to the new address to determine compliance with those standards related to the physical environment of the home (i.e. Sections 406.8.) Compliance with only these standards need be recorded on the CFS 515 unless non-compliance with other standards or changes in family composition are noted during the visit. The licensing study shall be completed within 30 days from the date the new application was received and the procedures outlined in Section 406.4(c) above, shall be followed and documented on the CFS-515.

3) Refer to Rule and Procedure 406.9 (Characteristics and Qualifications of the Day Care Family) and discuss with the applicant(s)/licensee(s) the requirements outlined under that Rule and Procedure. Document compliance on the CFS-515.

The required new application due to separation, divorce or death of a spouse shall be filed within 30 days from the date of separation, divorce or death of the spouse, in order for the current license to remain in effect while the new application is being reviewed. Document compliance on the CFS-515.

4) Applicant(s)/licensee(s) whose license has been revoked or refused to be renewed by the Department shall be allowed to reapply. However, their new application must be examined on the basis of conditions/restrictions that may have been imposed at the time of revocation or refusal to renew the license. Document compliance on the CFS-515.

## **e) Changes In Capacity**

When the licensee(s) requests a change in license capacity or change in the ages of the children served, a visit to the home is required. The licensing

representative/licensing worker and supervisor shall determine whether the requested change conforms to Section 406.13. If the change requires that the caregiver have an assistant, the supervising agency shall determine that the assistant meets the qualifications of Section 406.9 and that the medical required by Section 406.24(h) is on file at the supervising agency prior to approving the change. If the requested changes are approved, the supervising agency shall submit an amended page 1 of the IL 418-515 and an amended Individual License Summary (CFLC 2040-A) to the licensing administrator at the regional office through which the agency is licensed.

## **406.5 Application for Renewal of License**

### **a) Date of Mailing Application to be Recorded**

Application for renewal of license must be mailed to the licensee(s) 3 months prior to the date of the expiration of their license. At the time the application is mailed the licensing representative/ licensing worker shall inform and explain to the licensee(s) that they are required to submit the application for license renewal to the supervising agency within 30 days from the date the application was mailed to them, and prior to the expiration of their license.

Record and document on the CFS-515 the date the application for renewal of license was mailed to the applicant(s)/licensee(s), and the date the application was received.

### **b) Review Completed Application**

For license renewal, licensee(s) are required to submit only form CFS 597A. A timely and sufficient application is an accurate, complete, dated and signed application returned to the supervising agency within 30 days of the date the CFS-597A was originally mailed to the applicant/licensee. The licensing representative/licensing worker shall review the application for completeness and accuracy, including the date(s) and signature(s) of the appropriate responsible person(s). If the application is incomplete or inaccurate, it shall be returned to the applicant for completion. Licensing representatives/licensing workers shall not make changes or corrections on incomplete or inaccurately filled applications. Minor clerical changes (e.g. correcting a zip code or telephone number) may be made provided they are initialled by the person(s) making the change(s).

If the application for renewal of license is received after the expiration of the license the application is untimely and the expired license is no longer valid. In such instances no extension of the license shall be granted. The license, if renewed, shall be effective as of the date the standards have been complied with and issuance of the license was

approved. The renewed license shall not be backdated to cover the gap between the expired license and the renewed license. The reasons for the delay in renewing or not renewing the license shall be documented and recorded on the CFS-515.

Applications for license renewal received by licensed child welfare or day care agencies shall be batched and transmitted with a cover memo identifying them as renewals to the DCFS regional office through which the agency is licensed, regardless of the geographic location of the home, within ten (10) working days of the receipt of the application from the day care home applicant(s).

### **c) Relicensing Study**

When a licensed day care home seeks to change its name, address, supervising agency or the area in the home used for children, a new CFS 597A reflecting the change(s) must be completed, signed by the licensee(s) and submitted to the supervising agency ten days prior to the effective date of the change(s) in order for their current license to remain in effect. If the day care home has made such timely application for the new license, no change is to be made in the status of the previous license until a decision is made on the new application.

A change of name shall be processed upon documentation of the circumstances necessitating the change (i.e. death of one of the joint licensees). A change of supervising agency may be effected by agreement of the two agencies provided a new application is submitted. A licensing representative/licensing worker from the receiving agency shall visit the day care home to ensure continued compliance with licensing standards prior to the agency's accepting supervisory responsibility. The date of the visit to the facility shall be noted on the CFS 515 and the ILS.

When the day care home seeks to change its address or the area of the home used for children, the licensing representative/licensing worker shall visit the residence to determine compliance with those standards related to the physical environment of the home (i.e. Rule 406.8.) Compliance with only these standards needs to be recorded on the CFS 515 unless non-compliance with other standards or changes in family composition are noted during the visit.

The licensing study shall be completed within sixty (60) days from the date the application was received.

#### **NOTE:**

When only the standards of Rule 406.8 are reviewed for a change of address or area of the home used for child care, the words "in full" should be deleted from the certification signed by the licensing representative/licensing worker and the licensing administrator/licensing supervisor on page one of the CFS 515.

#### **d) Timely and Sufficient Applications**

The Department shall normally render a decision regarding the renewal of a license prior to the expiration date of a current license. When the licensee(s) have applied for renewal of a license on a timely basis and no decision has been made on the application for renewal, the previous license remains in effect for up to thirty days beyond the expiration date on its face. If at the end of this period, no decision has been made on the application for renewal, the licensee(s), supervising agency or DCFS licensing representative may submit a written request to the regional licensing administrator requesting that the previous license be extended for an additional thirty days. The written request shall be submitted to the regional licensing administrator ten (10) working days prior to the expiration of the original thirty day extension. The request for extension shall state:

- 1) Why the renewal licensing study could not be completed prior to the expiration of the license;
- 2) What efforts, if any, were made to complete the licensing study during the first thirty day extension; and
- 3) Reason the second thirty day extension is being requested.

The regional licensing administrator shall review the request for extension for its timeliness and reasonableness, and shall approve the extension unless there is reason to believe that the party requesting the extension is not making a "good faith" effort to complete the licensing study or that the request is based on false information.

The regional licensing administrator shall notify the licensee(s) of the decision regarding extension of the license in writing. A copy of the CFS 597E, Request For Extension of License, shall be forwarded to a non-DCFS supervising agency, if applicable, and to the Department's Central Office in Springfield.

#### **e) Completion of Relicensing Study**

Unless an extension has been granted in accordance with Rule 406.5(d), the relicensing study shall be completed within sixty days from the date the application for renewal of the license was received by the supervising agency. Recommendation of license renewal on each day care family home shall be made on the Individual License Summary (CFLC 2040A). The sixty day period includes the recording of the relicensing study on the CFS 515 and submission of ILS.

Licensed child welfare and day care agencies shall submit Individual License Summaries for license renewal to the licensing administrator at the regional office through which the agency is licensed, regardless of the geographic location of the home.

Upon receipt, individual licensing Summaries for renewal of license shall be reviewed by appropriate Department staff for completeness, accuracy and approval. The material shall be returned within ten (10) working days from receipt to the appropriate supervising agency. If not approved, the reason(s) for disapproval shall be given in writing.

## **406.6 Provisions Pertaining to the License**

The licensing representative/licensing worker shall discuss the provisions pertaining to the license with the applicant(s)/licensee(s) during the initial interview of the license study and periodically during monitoring visits once the home qualifies for a license. The date of the initial discussion or the date of the most recent discussion of the provisions pertaining to the license shall be recorded on the CFS 515. Thereafter, compliance with those provisions shall be recorded on the CFS 597C, Licensing Monitoring Record.

### **Monitoring Visits**

During the interval(s) between the initial licensing study and license renewal(s), the licensing representative/licensing worker shall visit the day care home to determine continued compliance with licensing standards and adherence to provisions pertaining to the license. Monitoring visits shall be made without prior appointment and shall occur at least annually. If the licensing representative/licensing worker is unable to locate the licensee during an unannounced visit, and after consultation with the supervisor, an appointment may be made to determine whether child care is still being provided.

Monitoring visits should be made during the hours the home is operating as a day care home unless a complaint is being investigated in accordance with 89 Ill. Adm. Code 383, Licensing Enforcement. Usually, monitoring visits shall be limited to one hour to minimize interference with the licensee's child care responsibilities.

Monitoring visits shall usually involve determining compliance with selected standards (such as capacity or records maintenance) and shall be recorded on CFS 597-C, License Monitoring Record. If the number or type of standards violations warrants serious concern, the licensing

representative/licensing worker shall conduct a standard-by-standard review and record it on the CFS 515, Day Care Home License Compliance Record.

## **== 406.7 Provisions Pertaining to Permits**

### **406.8 General Requirements for Day Care Homes**

#### **a) Health/Safety Standards**

**==** 1), 2), 3)

- 4) An attic is a room, story, or space directly below the roof of a house.
- A basement is the lowest habitable story of a building or a level which has a floor more than four feet below the exterior grade level (outside ground.)
- An attic or basement is considered to be a "floor level" requiring a smoke detector when it is habitable and accessible from the interior of the house by means of a fixed stairway. (An attic or basement shall not be used for child care if it is accessible only by a ladder, folding stairs, or through a trap door.) If access is maintained solely for storage or repairs, no smoke detector is required.
- Neither "attic" nor "basement" includes crawl spaces or areas inaccessible from the interior of the house.
- Folding screens, room dividers, grates, pieces of furniture are among measures providing a barrier between sources of heat and child(ren) in care. In determining the acceptability of a barrier, the licensing representative/licensing worker shall determine that the barrier cannot be tipped over; that the barrier cannot be easily removed or circumvented by the child(ren) and that the barrier is sufficient distance from the source of heat that the barrier itself does not become a source of possible burns or cause a fire.

**==** b), c)



#### **d) Water Supply**

Note the type of water supply on the CFS-515. When well water is used, compliance with Health Department regulations shall be verified. Where applicable, form CFS-452, Water Agreement, shall be signed by the applicant(s)/licensee(s). Document compliance on the CFS-515.

== e), f)

#### **g) Household Pets**

Review certificates of inoculation for household pets if inoculation is required by the Department of Public Health or local health department.

Document compliance on the CFS-515.

#### **h) Indoor Space**

When observable conditions in a day care home may pose potential health or safety hazards for the children to be served, the applicant(s)/licensee(s) shall be informed that the home is unsafe. A home for which an application is pending shall not be licensed until the unsafe condition is corrected or, when the condition appears to be an imminent hazard, clearance is obtained from the appropriate fire and/or health department. A reasonable date by which the condition is to be corrected or by which an inspection report is to be secured by the applicant(s)/licensee(s) shall be set and documented on the CFS 515. Unless an inspection report is required and received, a follow-up visit shall be made to the home to verify that the unsafe condition has been corrected.

If an unsafe condition is observed in a licensed day care home, the licensing representative/licensing worker shall follow the procedure described above. In addition, the licensee(s) shall be notified by letter of the unsafe condition, what correction is required, and the date by which correction is required. Children may be cared for in the home while the condition is being corrected unless the appropriate fire and/or health department has ordered otherwise.

== i)

## **j) Operation of Other Business**

The licensing representative/licensing worker shall discuss with the applicant/licensee the necessity that the operation of any other business on the premises may not interfere with the care of children. This applies whether the business is operated by the applicant/licensee or other member of the household.

When the applicant/licensee indicates that he/she operates or intends to operate a business on the premises, or that a member of the household will do so, the licensing representative/licensing worker shall review with the applicant/licensee plans for providing adequate supervision, protection of children from persons visiting the home in relation to the business, precautions to protect children from hazardous substances or conditions, etc.

This discussion shall be recorded on the CFS 515. If the plan is approved by the supervising agency, the applicant(s)/licensee(s) shall be notified, in writing, of the approval and any conditions or understandings accompanying the approval.

## **k) Bedridden/Chronically Ill Persons**

Prior to approving the presence of bedridden or chronically ill persons in a day care home, the supervising agency shall require medical reports, clinical evaluations or any other evidence required to determine that such person(s) do not have a contagious or communicable disease which could be transmitted to the children and that the caregiver would be able to care for the person(s) and properly supervise the care of children. (The requirement of an assistant may be one result of the supervising agency's review.)

When approving the presence of bedridden or chronically ill persons in a day care home, the supervising agency shall document the date of that approval on the CFS 515, and shall notify the applicant(s)/ licensee(s), in writing, of any conditions accompanying the approval.

# **406.9 Characteristics and Qualifications of the Day Care Family**

## **a) Background Check**

The licensing representative/licensing worker shall verify that a CFS 597A-1, Authorization For Background Check was submitted to DCFS Central Office for the applicant(s) and each adult member of the household. In addition, if substitute

caregivers are used or assistants are employed, a CFS 597A-1 must be submitted for each substitute/assistant. (The CFS 597A-1 must be cross-referenced to the applicant/licensee to assure correct filing.)

The determination of whether a person has been the perpetrator of child abuse, child neglect, or sexual abuse is made through the Child Abuse and Neglect Tracking System. The results of that process in regard to the applicant(s)/licensee(s) shall be forwarded to the licensing representative/licensing worker via an Individual Licensing Summary. The results of the inquiry regarding household member(s) and/or substitute caregiver(s) are recorded on the CFS 597A-1 which is returned to the licensing representative/licensing worker by Central Office.

## **b) Court Findings**

When the licensing representative/licensing worker learns that an incident of child abuse or neglect or sexual abuse occurred ten years ago and/or that a day care home applicant/licensee or member of the household has been convicted of a crime, the licensing representative/licensing worker and his/her supervisor shall review the situation on the basis of the criteria listed in Rule 406.9 (c). The outcome of this review shall be made part of the licensing record and shall be dated and signed by persons participating in the review.

## **c) Non-Abuse/Neglect Convictions**

When the licensing representative/licensing worker learns (whether through applicant disclosure or from other sources) that an applicant/licensee has committed a crime other than child abuse, child neglect or sexual abuse within the preceding ten years, the licensing representative/licensing worker, in collaboration with the licensing supervisor, shall discuss the matter with the applicant/licensee - taking care to address each item in subsection 406.09 (c).

A written record shall be made of this discussion and its factual accuracy reviewed with the applicant/licensee.

Consideration may be given to whether the applicant/licensee initially disclosed the information regarding the crime or the information was gained through a background check, references or other sources.

== d), e), f), g), h)

## **i) Outside Employment**

The caregiver(s) may not be employed outside the home during the hours that child care is being provided. Although Rules 406 equate "licensee" with "caregiver", this limitation shall not be construed to mean that one spouse could not be employed outside the home while the other is providing child care solely because they are joint licensees. It does mean however, that both spouses must have signed the application and qualify as caregivers if they intend to provide child care with greater frequency than substitutes are permitted by Rule 406.11.

### **406.10 Qualifications for Assistants**

== a)

## **b) Caregiver Supervision**

Assistants shall work under the personal supervision of the caregiver (licensee) at all times. "Personal supervision" means that the caregiver and assistant are located in the same facility or area, and the assistant is within sight or hearing distance of the caregiver. An assistant in the yard of a day care home remains under the personal supervision of the caregiver provided the caregiver maintains auditory or visual surveillance of the yard area. The following do not constitute personal supervision by the caregiver:

- o The children going on a field trip or errand with the assistant while the caregiver remains at home.
- o The assistant remaining at home with the children while the caregiver goes on an errand or trip outside the home.

== c), d)

## **406.11 Substitutes**

### **a) When Utilized**

The licensed caregiver may utilize a substitute caregiver in the home on two separate occasions (dates) each month. Regardless of the length of time that the substitute is in the home or whether the same or different substitutes are utilized on the two occasions, only two such substitutions are permitted each month.

== b)

### **c) Regular or Scheduled Substitute**

When notified that the caregiver intends to utilize the same person as a substitute on a regular basis (e.g. "every other Friday"), the licensing representative/licensing worker shall screen the substitute for compliance with Rule 406.9. This screening shall include a medical report and background check. (The CFS 597A-1 and medical report must be cross-referenced to the applicant/licensee to assure correct filing.)

An interview of the substitute caregiver is discretionary with the licensing representative/licensing worker.

== d), e), f)

## **406.12 Admission and Discharge Procedures**

== a) -e)

### **f) Discharge Lists**

The caregiver is required to maintain a list of persons to whom a child may be released. At least one such person is required on the CFS 593 (untitled.) The licensing representative/licensing worker shall discuss with the caregiver the necessity of maintaining a "regular list" of persons to whom the child may be discharged at least once per week and a "contingency list" of persons to whom the child may be discharged less frequently than once per week. The licensing representative/licensing worker shall also discuss with the caregiver the necessity of maintaining a record of when the child was released to someone on the "contingency list." That record should include to whom the child was released, date, time, and whether the child left the home on foot, by car, or by other means.

The date of this initial discussion and subsequent reviews of records shall be recorded on the CFS 597C.

g)

#### **406.13 Number of Children Served**

- a) Under the Child Care Act of 1969, eight is the maximum number of children under age 12 that can be cared for in a day care home, including the family's natural and adopted children and all other persons under age 12. Also, only children under 12 years of age are counted in determining the licensed capacity of a day care home.

The definition of licensed capacity is the maximum number of day care children under age 12 permitted in the home at any one time. Therefore, the total number of natural and adopted children under age 12 and all other persons under age 12 living in the home must be subtracted from the maximum of 8 children as the first step in determining the day care license capacity.

Other factors entering into determining the day care license capacity are the ability of the licensee to provide adequately for the care of children; safety considerations including the ability to evacuate occupants quickly in the event of an emergency; the amount of space (for example a small mobile home may not have enough space for the care of 8 children); adequate napping/sleeping arrangements for appropriate ages; the desires of the applicant who may only want to provide care for specific age groups (for example only ages 3 through 5); willingness or unwillingness to hire an assistant for that age group; children with special needs (Subsection 406.20 c). A special needs child may need caregiver time equivalent to that of an infant or anywhere up to his/her chronological age.

After the day care license capacity has been set, the licensing representative/licensing worker shall explain to the applicant/ licensee that each of the items in Section 406.13 includes the family's own children, other related children and unrelated children, and that the maximum number of day care children must not exceed the licensed capacity at any one time. It is the responsibility of the licensee to accept children for care on a scheduled basis so that the total number and ages are in compliance with the licensing standards, Section 406.13.

== b) -d)

#### **406.14 Health and Medical Care**

== a)

##### **b) Medication**

When enrolling a child in day care, the parent or guardian is required to complete a CFS 428, Record of Child Information, and a CFS 593. The CFS 593 is an untitled series of consents for emergency medical care, administration of prescription and patent medicine, child pickup, and trips away from the facility.

The licensing representative/licensing worker shall discuss with the caregiver the fact that prescription or patent medication can be given to a child by the caregiver only if the parent or guardian has signed the appropriate consent on the CFS 593. Further the caregiver is required to maintain a written record of the dates, times and dosages of medication given pursuant to the parent or guardian's authorization.

The date of this discussion and subsequent record reviews shall be recorded on the CFS 515.

== c)

##### **d) Emergency Plan**

When enrolling a child in day care the parent or guardian is required to complete a CFS 428, Record of Child Information. This form contains the name of the physician and/or medical facility to be contacted should a child be injured or become ill while in the day care home. The CFS 428 also requires the identification of another person to contact in case the parent or guardian cannot be reached in the event of an emergency. In addition to discussing with the caregiver the necessity of maintaining current information on the CFS 428, the licensing representative/licensing worker shall discuss with the caregiver the need to identify a source of emergency medical care.

The date of this discussion shall be recorded on the CFS 515 and subsequent record reviews shall be recorded on the CFS 597C.

## **== 406.15 Discipline of Children**

### **406.16 Activity Requirements**

a)b) The licensing representative/licensing worker shall discuss with the applicant/licensee the necessity of providing child(ren) a variety of activities in accordance with Rule 406.16. This discussion shall include the requirement that child(ren) not be left unattended at any time, and that child(ren) shall be within sight or hearing distance of the caregiver at all times. ("Caregiver" means the licensee or substitute utilized in accordance with Rule 406.11.)

The date of this initial discussion shall be recorded on the CFS 515 and subsequent discussions shall be recorded on the CFS 597C.

== c)

## **== 406.17 Nutrition and Meals**

### **406.18 Transportation of Children By Day Care Home**

== a), b)



### **c) Restraint Device**

The licensing representative/licensing worker shall discuss the requirement that children be individually fastened in federally-approved infant or child restraints when transported by the day care home.

If the applicant/licensee indicates that children will be transported, the licensing representative/licensing worker shall inspect the infant seat(s) or child safety restraint(s) provided by the applicant/licensee to verify that they bear an approval sticker from the U.S. Department of Transportation's National Highway Transportation Safety Administration.

This inspection shall be recorded on the CFS 515. If the restraint devices lack federal approval, the applicant(s)/ licensee(s) shall be notified, in writing, that transportation of children by the day care home is not permitted in the devices seen.

#### **NOTE:**

Passenger restraints installed in a vehicle as original equipment are presumed to meet federal standards, but are acceptable only for the transport of children over the age of four.

== d), e)

### **f) Safe Equipment and Compliance With Laws**

1) The Illinois Vehicle Code, in pertinent part, requires that vehicles operated in Illinois be equipped with brakes, mirrors, tires, lights, turn signals, horn, muffler and seat safety belts. The Code specifies the type and location of each of these items. Additionally, the Code prohibits the driving of a vehicle which is in such unsafe condition as to endanger any person or property.

The licensing representative/licensing worker is not expected to inspect the vehicle, but shall discuss safety requirements with the applicant(s)/licensee(s) and shall require repair of obvious safety defects in a vehicle which the applicant(s)/licensee(s) indicates they intend to transport day care children. The repair requirement shall be confirmed by letter and the applicant(s)/licensee(s) cautioned not to transport children until the repair has been made.

2) If the applicant(s)/licensee(s) indicate that they intend to transport child(ren), the licensing representative/licensing worker shall determine that the applicant(s)/licensee(s) has automobile insurance which includes liability and medical coverage. The licensing representative/licensing worker shall either obtain a photocopy of the proof(s) of insurance or record the name of the insurer, policy number, and effective dates of the insurance on the CFS 515.

**== 406.19 Swimming**

**== 406.20 Children With Special Needs**

**== 406.21 School Age Children**

**== 406.22 Infants and Toddlers**

**== 406.23 Night Care**

**406.24 Records and Reports**

**== a), b)**

**c) Identifying Information**

CFS 428, Record of Child Information shall be completed on each child accepted for care into the home.

#### **d) Medical Report**

The licensing representative/licensing worker shall verify that the day care home has a current medical (on form CFS 600, Certificate of Child Health Examination) on file for each child accepted for care. The CFS 600 is identical to the medical form used by schools to comply with the Illinois School Code, and the school form may be substituted for the CFS 600.

The physician signing the CFS 600 shall be a licensed physician. Licensed chiropractors and osteopaths are physicians who hold a limited license which would not permit them to administer the immunizations required by subsection 406.24(d)(3). However licensed chiropractors and osteopaths could provide a record of immunizations administered by or under the supervision of a physician licensed to practice medicine in all of its branches.

Records of medical examinations completed at hospitals, medical centers or clinics shall bear the authorized signature of the examining physician. Facsimiles of the physician's signature including rubber stamp impressions may be affixed by other than the physician provided that such facsimiles shall be accompanied by the original signature and title of the persons affixing the facsimile signature.

#### **e) Signed Consents**

Verify that the day care home has obtained and maintains on file an CFS 593 for each child accepted for care.

#### **f) Licensing Summary/Consumer Information**

Rule 406.24 (f) requires that the caregiver distribute a summary of licensing standards to the parent(s) or guardian of each child. The rule also requires that the caregiver distribute consumer information materials provided by the Department for distribution to the parent(s) or guardian. The licensing representative/licensing worker shall review each child's record to determine that it contains an IL 418-581, Verification of Receipt, signed by the child's parent or guardian as evidence that they received the materials as required.

Document compliance on the CFS 515.

### **g) Medical Waiver**

A parent may request that immunizations, physical examinations and/or medical treatment for their child be waived for medical or religious reasons. The parent's signed statement must state whether the waiver is for medical or religious reasons, whether it applies to immunizations, physical examinations and/or medical treatment. The waiver shall be maintained in the day care home's record as an amendment to the CFS 600. If the parent requested a waiver of medical treatment, this should also be noted on the appropriate sections of the CFS 593 authorizing emergency medical care and medication.

### **h) Physical Examination/Members of Household**

Each adult member of the household and each assistant caregiver shall submit a medical report to the supervising agency on form CFS 602, Medical Report on An Adult In A Licensed Child Care Facility. Medical examinations for members of the household who are children shall be submitted on CFS 600, Certificate of Child Health Examination. However, when the child(ren) is/are school age, a copy of a current school medical examination/re-examination report on file with the supervising agency may be substituted.

== i), j)

### **k) Suspected Child Abuse/Neglect**

The requirement that any suspected child abuse and/or neglect shall be reported to the State Central Register (Child Abuse Hotline) shall be discussed with the day care home applicant(s)/licensee(s) by the licensing representative/licensing worker.

The day care homes should be provided with the toll-free number 1-800-252-2873 and informed that reports can be made to the State Central Register 24-hours per day, 7 days per week or to the local DCFS office.

== l), m)

**== 406.25 Confidentiality of Records and Information**

**== 406.26 Cooperation With The Department**

**== 406.27 Severability of this Part**

**== Appendix A Meal Pattern Chart For Children 0 to 12 Months of Age**

**== Appendix B Meal Pattern Chart For Children Over One Year Of Age**

LICENSING STANDARDS FOR DAY CARE HOMES

May 1, 1990 -- PT 90.7

APPENDIX A

I am aware that

(Name of Applicant)

is applying for a license to provide day care and have no objection to that plan. I understand that representatives of

(Name of Supervising Agency) or the Illinois Department of Children and Family Services will be required to enter our home during the licensing study and during the hours that the day care home is in operation.

Signed:

Date:

Witness: